Kerala Gazette No. 24 dated 22nd June 1971

Part IV

Kerala Wakf Board (Contributory Provident Fund) Regulations, 1971

(Approved in G. O. MS. No. 72/71/RD dated 12-5-1971)

In exercise of the powers conferred by Section 68 of the Wakf Act, 1954 (Central Act 29 of 1954), the Kerala Wakf Board, with the previous sanction of the Government of Kerala, hereby makes the following regulations, namely:—

Preliminary

1. (1) These regulations may be called the Kerala Wakf Board (Contributory Provident Fund) Regulations, 1971.

(2) They shall come into force from the date of publication.

2. In these regulations, unless the context otherwise requires,—

(a) "Board" means the Kerala Wakf Board constituted under Section 9 of the Wakf Act, 1954 (Central Act 29 of 1954);

(b) "Chairman" means the Chairman of the Board;

(c) "emoluments" means the pay or leave salary, reckoned as such by the State Government;

(d) "employee" means an officer or a member of the Office staff, technical staff or menial staff, of the Board but does not include a person whose services, are paid from contingencies;

(e) "family" means—

(i) In the case of a male subscriber, the wife or wives and children of the subscriber; and the widow or widows and children of a deceased son of the subscriber;

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently indicates by express notice in writing to the Secretary that she shall continue to be so regarded; and

(ii) in the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber:

Provided that if a subscriber by notice in writing to the Secretary expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently cancels formally in writing her notice excluding him.

Note I—"children" means legitimate children.

Note II—An adopted child shall be considered to be a child when the Secretary or, if the Secretary feels any doubt, the Chairman, is satisfied that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child, but in this case only.

(f) "Fund" means the Kerala Wakf Board Contributory Provident Fund;

(g) "leave" means any kind of leave sanctioned for the staff of the Board;

(h) "Secretary" means the Secretary to the Board;

(i) "year" means the financial year.

(j) "Subscriber" means a subscriber to the Fund.

Constitution & Management of the Fund

3. There shall be a provident fund, by the name "The Kerala Wakf Board Contributory Provident Fund", for the employees of the Board, not being—

(a) a person in the service of the Indian Union or of a State in India whose services have been let or transferred to the Board; or

(b) a person appointed by the Government or the Board for a period of less than 5 years; or a probationer; or

(c) a probationer; or

(d) a pensioner, whether Civil or Military, employed under the Board.

4. The Fund shall vest in a Board of Trustees consisting of the Chairman and the Secretary (hereinafter referred to as the trustees). The Trust shall not be revocable save with the consent of all the beneficiaries.

5. The Fund shall consist of—

(a) subscriptions and contributions which are to be carried to the Fund in accordance with these regulations;

(b) the income of the Fund from loans, deposits and investments.

6. The accounts of the Fund shall be open for scrutiny and inspection by the Income Tax Department. An abstract for the year of the individual account of each employee participating in the Fund in respect of whom a return is required to be furnished under sub-section (1) of Section 206 of the Income Tax Act, 1961, shall be furnished by the Secretary to the Income-tax Officer specified in sub-rule (2) of rule 32 of the Income-tax Rules, 1962, within thirty days from the 31st day of March in each year or any other subsequent date fixed by the Income-Tax Officer.

Nomination

7. (1) The Secretary shall require every subscriber, as soon as may be after joining the Fund, to make a nomination conferring on one or more persons the right to receive the amount that may stand to his or her credit in the Fund, in the event of his or her death before that amount has become payable, or having become payable has not been paid :

Provided that if, at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his or her family.

(2) If a subscriber nominates more than one person under sub-regulation (1), he or she shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his or her credit in the Fund at any time.

(3) Every nomination shall be in such of the forms set forth in the First and Second Schedules as is appropriate in the circumstances.

(4) A subscriber may, at any time, cancel a nomination by sending a notice in writing to the Secretary:

Provided that the subscriber shall, along with such notice, send a fresh nomination made in accordance with the provisions of this regulation.

(5) A subscriber may provide in a nomination,—

(a) in respect of any specified nominee, that in the event of his pre-deceasing the subscriber, the right conferred upon that nominee shall pass to such other person as may be specified in the nomination.

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein:

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-regulation (5), or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b), of sub-regulation (5), or the proviso thereto, the subscriber shall send to the Secretary a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this regulation.

(7) Every nomination made, and every notice of cancellation given by a subscriber to the extent that it is valid, shall take effect on the date on which it is received by the Secretary.

Subscriber's Accounts

8. (1) An account shall be opened in the name of each subscriber in which shall be credited—

(a) the subscriber's subscriptions;

(b) contributions made under regulation 12 by the Board to his or her account;

(c) interest payable under regulation 13;

(d) recovery of advances granted and interest realised.

8. (2) All subscriptions made by the employees after the first April, 1966 and before the commencement of these regulations, in pursuance of the resolution No. 5 dated 27-4-1966 of the Board, shall be deemed to be subscriptions made to the Fund.

8. (3) All contributions made by the Board after the 1st April, 1966 and before the commencement of these regulations, in pursuance of resolution No. 5 dated 27-4-1966 of the Board shall be deemed to be contributions made under regulation 12.

Conditions & Rates of Subscription

9. (1) Every subscriber shall when on duty subscribe monthly to the Fund;

(2) A subscriber may, at his or her option elect not to subscribe during leave:

Provided that the subscriber shall intimate his or her election not to subscribe during the leave in writing to the Secretary before he or she goes on leave and failure to give due and timely intimation shall be deemed to constitute an election to subscribe.

(3) The option of a subscriber intimated under this regulation shall be final.

10. The amount of subscription to the Fund shall be not less than 6 Paise and not more than 12 Paise for every Rupee of the pay of the subscriber. The subscription shall be rounded to the nearest Rupee.

Provided that if a subscriber is on duty for a part of the month and on leave for the remainder of that month and if he had elected not to subscribe during leave, the amount of subscription payable shall be proportionate to the number of days spent on duty in the month.

Realisation of Subscriptions

11. The Board shall have the power to deduct from the emoluments of any subscriber the subscription due from him or her and the principal and interest on the advance, if any, made to him or her from the fund.

Contribution by the Board

12. The Board shall contribute at the rate of 6 Paise per Rupee of the subscriber's pay and it shall be remitted to the credit of the subscriber at the end of every year. The contribution shall be rounded to the nearest Rupee.

Interest

13 (1) The Board shall pay to the credit of the subscriber interest at such rate not below the current rate of interest on Post Office Savings Bank deposits, as the Board may from time to time, prescribe, on the amount at his or her credit in the Fund.

(2) Interest shall be calculated on the balance at the credit of a subscriber on the 31st March of the preceding year

(3) When the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this regulation in respect only of the period from the beginning of the current year or from the date of deposit as the case may be, upto the date on which the amount standing at the credit of the subscriber became payable.

(4) All moneys contributed to the fund shall be wholly invested in the manner prescribed in clause (a) of rule 67 of the Income-tax Rules, 1962.

Circumstances in which Accumulations are payable

14. When a subscriber quits the service the amount standing to his or her credit in the Fund shall, subject to any deduction under regulation 16, become payable to him or her

15. Subject to any deduction under regulation 16, on the death of a subscriber before the amount standing to his or her credit has become payable or, where the amount has become payable, before payment has been made—

(1) When the subscriber leaves a family—

(a) If a nomination made by the subscriber in accordance with the provisions of regulation 7 in favour of a member or members of his or her family subsists, the amount standing to

his or her credit in the Fund or the part thereof to which the nomination relates shall become payable to his or her nominee or nominees in the proportion specified in the nomination and in the event of such nominee or nominees predeceasing the subscriber, the said amount shall become payable to the alternative nominee or nominees in the manner indicated in the nomination form.

(b) If no such nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his or her credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall notwithstanding any nomination purporting to be in favour of any person other than a member of his or her family, become payable to the members of his or her family in equal shares :

Provided that no share shall be payable to—

(i) sons who have attained majority ;

(ii) sons of a deceased son or deceased sons who have attained majority ;

(iii) Married daughters whose husbands are alive ;

(iv) married daughters of a deceased son or deceased sons whose husbands are alive ;

If there is any member of the family other than those specified in clauses (i), (ii), (iii) and (iv) :

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received, if he had survived the subscriber and had been exempted from the provisions of clause (i) of the foregoing proviso ;

(2) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of regulation 7 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees, in the proportion specified in the nomination, and in the event of such nominee or nominees predeceasing the subscriber, the said amount shall become payable to the alternative nominee or nominees in the manner indicated in the nomination form.

Deductions

16 Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Board with interest thereon credited under regula-

tion 12, before the amount standing to the credit of a subscriber in the Fund is paid out of the Fund, the Board may direct the deduction therefrom and payment to the Board of—

(a) any amount if a subscriber has been dismissed from the service for grave misconduct :

Provided that, if the order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced at his credit in the Fund ;

(b) any amount, if a subscriber resigns his employment under the Board within five years of the commencement thereof otherwise than by reason of superannuation of a declaration by competent medical authority that he is unfit for further service ;

(c) any amount due under a liability incurred by the subscriber to the Board.

Payment

17. (1) When the amount standing to the credit of a subscriber in the Fund or the balance thereof after any deduction under regulation 16, becomes payable it shall be the duty of the trustees after satisfying themselves, when no such deduction has been directed under that regulation, that no deduction is to be made, to make payment as provided for in these regulations.

(2) Any person who desires to claim payment under this regulation shall send a written application in that behalf to the trustees.

(3) The accumulated balance due to a member of the Fund shall be payable on the day he ceases to be an employee of the Board.

Advances from the Fund

18. A temporary advance may be granted to a subscriber from the amount standing to his or her credit in the Fund at the discretion of the trustees, subject to the following conditions:—

(a) no advance shall be granted unless the trustees are satisfied that the applicant's pecuniary circumstance justify it and that it will be expended on the following object or objects and not otherwise:—

(i) to pay expenses incurred in connection with the prolonged illness of the applicant or any person actually depending on him or her ;

(ii) to pay for the overseas passage for reasons of health or education of the applicant or any person actually depending on him or her ;

(iii) to pay obligatory expenses on a scale appropriate to the applicant's status in connection with marriages, funerals, or ceremonies which by his or her religion it is incumbent on him or her to perform ;

(b) an advance shall not, except for special reasons, exceed three months' pay and shall, in no case, exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the fund ;

(c) an advance shall not, except for special reason, be granted before the expiry of at least twelve months after the final repayment of all previous advances together with interest thereon, unless the amount already advanced does not exceed two-thirds of the amount admissible under clause (b);

(d) the trustees shall record in writing their reason for granting the advance :

19. (1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the trustees may direct, but such number shall not be less than twelve unless the subscriber so elects, or in any case more than twenty-four. A subscriber may, at his or her option, make repayments in a smaller number of instalments than that directed by the trustees. Each instalment shall be a number of whole Rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner provided in regulation 11 and shall commence from the first occasion, after the advance is made, on which the subscriber draws emoluments, other than leave salary or subsistence allowance, for a full month. Recoveries shall not be made, except with the subscribers' consent, while he or she is on leave and may be postponed by the trustees during the recovery of an advance of pay granted to the subscriber.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery

(4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon in accordance with the following Table :—

TABLE

(1)	(2)
(1) Where the amount is repaid in not more than twelve monthly instalments.	One additional instalment equal to 4% of the amount withdrawn.

(2) Where the amount is repaid in more than 12 but not more than 24 monthly instalments.	Two additional instalments, each equal to 4% of the amount withdrawn.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal but, if the period between the drawal and complete repayment of the principal exceeds twelve months, interest may, if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be as provided in sub-regulation (2).

(5) If an advance has been granted to a subscriber and drawn by him or her and the advance is subsequently disallowed before repayment is completed, the whole or balance, as the case may be, of the amount with-drawn, shall, with interest at the rate provided in sub-regulation (1) of regulation 13, forthwith be repaid by the subscriber to the Fund or, in default, be ordered by the trustees to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise as may be directed by the trustees.

(6) Recoveries made under this regulation shall be credited, as and when they are made, to the subscriber's account in the Fund.

Procedure

20. (1) All sums paid into the Fund under these regulations shall be accounted for in the books of the Board in an account named "The Kerala Wakf Board Contributory Provident Fund". An account shall be maintained for each subscriber of the fund and the said account shall include the particulars shown in From No. 41 of the Income Tax Rules, 1962.

(2) Such accounts shall be examined and audited annually by the auditors appointed by the Board.

(3) All expenses of the Fund shall be met by the Board from the income of the Fund.

(4) The Fund shall be governed by these regulations and be vested in the trustees and its disposal shall be regulated by them. The trustees shall operate on the funds in their hands or in deposits referred to in sub-regulation (4) of regulation 13.

21. (1) As soon as possible after the 31st March of each year the trustees shall send to each subscriber a statement of his account in the Fund, showing the opening balance as on the 1st April of the year, the total amount credited or debited during the

year, the total amount of interest as on the 31st March and the closing balance on that date. The trustees shall attach to the statement of account an enquiry whether the subscriber—

(a) desires to make any alteration in any nomination made under regulation 7;

(b) has acquired a family (in cases where the subscriber has made no nomination in favour of a member of his family under sub-regulation (2) of regulation 7)

(2) Subscribers should satisfy themselves as to the correctness of the annual statement, and errors should be brought to the notice of the trustees within one month from the date of receipt of the statement.

22. All applications under these regulations shall be addressed to the trustees.

23. Every subscriber shall sign an agreement set forth in the Third Schedule annexed to these regulations agreeing to abide and be bound by these regulations.

24. (1) The fund shall be wound up on the dissolution of the Board.

(2) On the winding up of the Fund, the assets shall be realised and distributed amongst subscribers in accordance with their accounts.

(Sd.)

Secretary,
Kerala Wakf Board,
Ernakulam.

FIRST SCHEDULE

Forms of Nomination

[vide regulation 7 (3)]

I. When the subscriber has a family and wishes to nominate one member thereof.

I,..................................hereby nominate the person mentioned below who is a member of my family as defined in regulation 2 of the Kerala Wakf Board (Contributory Provident Fund) Regulations, 1971 to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid:

Name & address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address & relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this..............................day of.....................19.........at.......................

Two witnesses to Signature:—

(1)...................................

(2)...................................

Signature of Subscriber..................

11. When the subscriber has a family and wishes to nominate more than one member thereof.

I,..............................hereby nominate the persons mentioned below who are members of my family as defined in regulation of the Kerala Wakf Board (Contributory Provident Fund) Regulations, 1971 to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name & addresses of nominees	Relationship with subscriber	Age	*Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this......................day of..................19......at...................................

Two witnesses to signature :—

(1)..........................

(2)..........................

Signature of subscriber..........................

Name & Designation..........................

Account No..........................

**Note* :—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

SECOND SCHEDULE

Form of Nomination

[vide Regulation 7 (3)]

I. When the subscriber has no family and wishes to nominate one person.

I,.................................,having no family as defined in regulation 2 of the Kerala Wakf Board (Contributory Provident Fund) Regulations, 1971, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :—

Name & address of nominee	Relationship with subscriber	Age	*Contingencies on the happening of which the nomination shall become invalid	Name, address & relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this..........................day of........................19......at.....................

Two witnesses to signature :—

(1)............................ Signature of Subscriber........................

(2)............................ Name & Designation........................

Account No..............................

*Note :—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequent acquiring a family.

II. When the subscriber has no family and wishes to nominate more than one person.

I,..............................having no family as defined in regulation 2 of the Kerala Wakf Board (Contributory Provident Fund) Regulations, 1971, hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:

Name & address of nominee	Relationship with Subscriber	Age	*Amount or share of accumulations to be paid to each	Contingencies on** the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber

Dated this......................day of....................19........at............................

Two witnesses to signature :—

(1)..........................

(2)..........................

Signature of Subscriber.......................

Name & Designation..........................

Account No...............................

*Note :—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the Fund at any time.

**Note :—Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

THIRD SCHEDULE

Form of Agreement

(Vide Regulation 23)

I hereby declare that I have read the Kerala Wakf Board (Contributory Provident Fund) Regulations, 1971 and I agree to abide and be bound by them.

Date....................day of....................of................
19..............at........................

Name in full..
Date of birth..
Date of joining appointment..........................
Salary per mensem..............Rupees..........
....

Two witnesses to
Signature:

(1)........................

(2)........................

Signature ....
Name &
Designation ....
Account No..... ....

Station................

Date..................

FOURTH SCHEDULE

The Kerala Wakf Board (Contributory Provident Fund) form of Application for temporary advances against deposits

(Vide Rrgulation 18)

1. Name and Account No. of the subscriber
2. Monthly pay, dearness pay and designation
3. Amount of advance required (both in figures and words)
4. Purpose for which it is required
5. Number of instalments of recovery proposed
6. Date of complete repayment of the previous loan
7. Details of advances pending recovery:-
   (1) the amounts of previous advances
   (2) dates of drawal of each advance
   (3) balance outstanding against each advance
8. I hereby declare that the above statements are true and that I agree to abide by the Kerala Wakf Board (Contributory Provident Fund) Regulations, 1971. I also promise to repay the above advance in equal monthly instalments together with interest according to rules.

Place..............

Date..............

(Signature of the Subscriber with name and designation.)

9. Enquiry Certificate

Place..............

Date..............

(Signature of Head of Office)

NOTICE

No. C4-49697/71. *17th June 1971.*

Whereas I am satisfied that the public place mentioned in Schedule I below is required in connection with the launching of the Equitorial Sounding Rockets from the Launching Station at Pallithura in the Attipra Village of Trivandrum Taluk by the Space Research Division of the Department of Atomic Energy to the Government of India.

I, M. Gopalan, Inspector General of Police, in exercise of the powers conferred upon me under section 24 of the Kerala Police Act, 1960 (Act 5 of 1961) hereby reserve temporarily the public place mentioned in Schedule II and prohibit person from entering the area so reserved save under conditions as may be prescribed by me.

FIRING SCHEDULE—I

Place of launching:

The Rocket will be fired from the launcher on a pad at Pallithura near Trivandrum on the West Coast of India.

I. FIRING SCHEDULE

Date	*Danger Time (IST)*	*Rocket Type*	*Payload*
23rd June 1971 and 24th June 1971	1930–2230 hrs.	M-100	Meteorological

II. LAUNCHER COORDINATES

Latitude—8° 32′ 34″ N.

Longitude—76° 51′ 32″ E.

III. DANGER ZONES

(a) A sector of radius 5 NM from launcher between azimuth angles 190° 300°.

(b) A sector of radii 10 NM and 40 NM from launcher between angles 190° 300°.

IV. FIRING DIRECTION

Azimuth (Effective) : 235°

Elevation (,,) : 83°

All types of Air Craft, Shipping Boats, etc., especially fishing boats of all description are warned to keep clear the danger areas mentioned above.

Office of the
Inspector General of Police,
Kerala State, Trivandrum-10.

M. GOPALAN,
Inspector General of Police.